

CITY OF LAKE QUIVIRA

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE V SECTION 3 OF THE CODE OF THE CITY OF LAKE QUIVIRA, KANSAS, TO INCORPORATE BY REFERENCE THE INTERNATIONAL FIRE CODE, 2018 EDITION, WITH OMISSIONS AND ADDITIONS, TO REGULATE THE OCCUPANCY AND MAINTENANCE OF PROPERTY, BUILDINGS OR STRUCTURES IN THE CITY OF LAKE QUIVIRA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAKE QUIVIRA, KANSAS, THAT:

INTERNATIONAL FIRE CODE ADOPTED.

PARAGRAPH ONE.

Title V, Section 3, of the Code of the City of Lake Quivira, Kansas, adopting the International Fire Code with amendments, is hereby amended to read as follows:

A. Incorporation by Reference.

There is hereby incorporated by reference the International Fire Code, 2018 Edition, including Appendix Chapters A, B, C, D, H, and I, prepared and published in book form by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, and hereby referenced as IFC.

B. Amendments and Additions.

The following sections of the IFC are amended as follows:

As used in the IFC as adopted by the City of Lake Quivira, Kansas, Fire Chief shall mean the duly appointed acting Fire Chief for the City of Shawnee, Kansas. Fire Department shall mean the fire department of the City of Shawnee, Kansas.

Amend Section 101.1 Title, of the IFC by replacing “[NAME OF JURISDICTION]” with “City of Lake Quivira, Kansas.”

Amend Section 102 Applicability, of the IFC, and amend by adding a new Section 102.13 Home daycares, which reads:

102.13 Home Daycares. Home Daycares that meet the requirements of the Johnson County, Kansas Home Daycare Handbook 2019 Edition shall be viewed as meeting the equivalent of the requirements of the IFC.

Amend by omitting Sections 105.6.1 through 105.6.13, Sections 105.6.15 through 105.6.29. Section 105.6.31, Sections 105.6.33 through 105.6.50, Sections 105.6.37 through 105.6.42, and Sections 105.6.44 through 105.6.46 of the IFC.

Amend by omitting Section 105.7 of the IFC

Amend by omitting Section [A]110.4 Violation Penalties, of the IFC, and amend by adding in lieu thereof a new Section 110.4 Violation Penalties, which reads as follows:

Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a public offense, and upon conviction shall be subject to penalties as set forth herein.

Any person or entity violating any provisions of this Section shall, upon conviction, be punished by a fine of not less than fifty dollars and no more than two thousand five hundred dollars. Each day that any violation occurs or continues shall constitute a separate offense. The imposition of a penalty for any violation or noncompliance shall not excuse any violation, permit a violation to continue, or excuse any obligation to remedy any violation. The imposition of a penalty shall not prohibit any action to enforce compliance, prevent a violation, or remedy a violation, nor shall it prohibit the imposition of liens or assessments necessary to remedy a violation.

Amend by omitting Section 307, Open Burning and Recreational Fires, of the IFC.

Amend Section 308.1.4 Open flame cooking devices, of the IFC, to read as follows:

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated or located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

EXCEPTIONS: 1. One- and two-family *dwellings*. Heat detectors shall not be required in detached garages. 2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*. 3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 21/2 pounds [nominal 1 pound (0.454 kg) LP- gas capacity].

Amend by omitting Section 503.3 Marking, of the IFC, and amend by adding in lieu thereof a new Section 503.3 Marking, which reads:

Section 503.3 Marking. Where required by the fire code official, approved signs and painted curb, or pavement if a curb is absent, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary

to provide adequate visibility. The curb, or pavement if a curb is absent, shall be painted red with white 3 inch letters indicating "NO PARKING - FIRE LANE". Lettering shall occur every 25 feet of the fire lane. Signs used to indicate fire lanes shall meet the requirements of section D103.6 of the 2018 International Fire Code.

Amend by omitting Section 503.6 Security gates of the IFC, and amend by adding in lieu thereof a new Section 503.6 Security gates, which reads:

503.6 Security Gates. The installation of security gates across a fire apparatus access road shall first be approved by the fire code official in writing prior to installation. Where security gates are installed, they shall have an approved means of emergency operation with a manual secondary means of emergency operation in the event of failure of the primary emergency operation. The security gates and emergency operations shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

Amend by omitting Section 507.5.1.1 Hydrant for standpipe systems of the IFC, and amend by adding in lieu thereof a new Section 507.5.1.1 Hydrant for fire sprinkler and standpipe systems, which reads: Buildings equipped with a fire sprinkler or standpipe systems, that are installed in accordance with Section 903 or 905, shall have a fire hydrant within 100 feet of the fire department connections.

Amend Section 507.5.2 Inspection, testing and maintenance, of the IFC to read as follows:

507.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards.

507.5.2.1 Line and hydrant tests. Private hydrants and supply piping shall be tested as specified in NFPA 24. Hydrants shall comply with the AWWA standards adopted by the Johnson County Water District and maintained to AWWA-M17.

507.5.2.2 Hydrants – color. All fire hydrants shall be painted and highly visible. Private fire hydrants shall be painted red in color.

Amend by omitting Section 912.3 Fire hose threads of the IFC, by adding a new Section 912.3 Fire department connection, which reads:

Section 912.3 Fire hose threads. The fire department connection shall be fitted with a four-inch (4") Storz quick coupling connector.

Amend by omitting Section 1023.9 Stairway identification signs of the IFC, by adding a new Section 1023.9 Stairway identification signs, which reads:

Section 1023.9 Stairway identification signs. A sign shall be provided at each floor landing in an interior exit stairway and ramp connecting more than three stories designating the floor level, the terminus of the top and bottom of the interior exit stairway and ramp and the identification of the stairway or ramp. The signage shall state the story of, and the direction to, the exit discharge and the availability of roof access from the interior exit stairway and ramp for the fire department. The sign shall be located 5 feet (1524 mm) above the floor landing in a position that is readily visible when the doors are in the open and closed positions. In addition to the stairway identification sign, a floor-level sign in visual characters, raised characters and braille complying with ICC A117.1 shall be located at each floor-level landing adjacent to the door leading from the interior exit stairway and ramp into the corridor to identify the floor level. In addition, the signs shall be color coded, or have colored borders that are identified as follows: red shall be used for the primary exit enclosure with roof access, yellow for the secondary stairwell, blue for the third stairwell, white for the fourth, and green for the fifth.

Amend by omitting Chapter 11, of the IFC, except Sections 1103.8 through 1103.9.

Amend Section 5601.2 Permit required, of the IFC, to read as follows:

5601.2 Permit required. A permit application shall be made to the Shawnee Fire Marshal's Office who shall issue the same only if the Fire Chief or his or her designated representative shall after inspection approve issuance of the permit. There shall be a fee of one-hundred dollars (\$100.00) for making such application. Permits shall expire 30 days after date of issuance. Permits shall be obtained: 1. To manufacture, possess, store, sell, display, or otherwise dispose of explosive materials. 2. To use explosive materials 3. To operate a terminal for handling explosive materials.

5601.2.1 Residential uses. No person shall keep or store, nor shall any permit be issued to keep or store, any *explosives* at any place of habitation, or within 100 feet (30 480 mm) thereof.

EXCEPTION: Storage of smokeless propellant, black powder and small arms primers for personal use and not for resale in accordance with Section 5606.

5601.2.2 Sale and retail display. No person shall construct a retail display nor offer for sale explosives, explosive materials or fireworks upon highways, sidewalks, public property or in Group A or E occupancies.

5601.2.3 Permit restrictions. The fire code official is authorized to limit the quantity of explosives, explosive materials or fireworks permitted at a given location. No person possessing a permit for storage of explosives at any place, shall keep or store an amount greater than authorized in such permit. Only the kind of explosive specified in such a permit shall be kept or stored.

5601.2.4 Financial responsibility. Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

5601.2.4.1 Blasting. Before approval to do blasting is issued, the applicant for approval shall file a bond or submit a certificate of insurance in such form, amount and coverage as determined by the legal department of the jurisdiction to be adequate in each case to indemnify the jurisdiction against any and all damages arising from permitted blasting.

5601.2.4.2 Fireworks display. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the fire code official for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

5601.2.4.2.1 Permit-Fee-Public Displays – Fireworks. When any person makes application for a permit of supervised public displays of fireworks pursuant to Section 5601.2.4.2 of the International Fire Code 2018 Edition, the applicant shall at the time of filing the application therefore pay to the City Clerk an application fee of fifteen dollars (\$15.00). The application fee shall be refunded upon request by the applicant in the event the application for such is withdrawn or denied prior to an investigation being made as provided under section of such code; however, no refund shall be made for any reason after the Fire Chief or his or her designated representative has made the required investigation.

Amend Section 5601.4 Permit required, of the IFC, to read as follows:

5601.4 Qualifications. Persons in charge of magazines, blasting, fireworks display or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age and shall demonstrate knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks, possess a valid Blasters Certificate issued by the State of Kansas Fire Marshal's Office, ATF&E Notice of Clearance, and valid photo identification.

Amend by omitting Section 5607.4 Restricted hours, of the IFC, and amend by adding in lieu thereof a new Section 5607.4 Hours of operation, which reads:

Section 5607.4 Hours of operation. Blasting operation shall be conducted Monday through Friday only between the hours of 8:30 A.M. and 4:30 P.M.

EXCEPTION: When other times are approved in writing in advance by the Fire Chief or his/her designated representative.

Amend Section 5607 Blasting of the IFC, by adding a new Section 5607.16 Pre- blast survey, which reads:

Section 5607.16 Pre-blast survey and notification. At least 15 days before initiation of blasting, the surveyor shall notify, in writing, all residents or owners of dwellings or other structures located within 500 feet (152,400 mm) of the blasting area of the location and date of the proposed blasting and the intent to conduct a pre-blast survey. The Fire Marshal may identify alternate re-blast survey distances.

The surveyor shall promptly conduct a pre-blast survey of the dwelling or structures and promptly prepare a written report of the survey. An updated survey of any additions, modifications, or renovations shall be performed by the surveyor if requested by the contractor or the Fire Marshal.

The surveyor shall determine the condition of the dwelling or structure and shall document any existing damage and other physical factors that could reasonably be affected by the blasting. The surveyor shall examine the interior as well as the exterior structure and shall document any damage by means of digital photographic or digital video methods. Structures such as pipelines, cables, transmission lines, cisterns, wells, and other water systems warrant special attention; however, the assessment of these structures may be limited to surface conditions and other readily available data.

The written report of the survey shall be signed by the person who conducted the survey. Copies of the report shall be promptly provided to the contractor and made available to the Fire Marshal. All surveys shall be completed by the surveyor before the initiation of blasting. All surveys shall be conducted by a disinterested third party, regularly engaged in performing pre-blast surveys.

The contractor shall notify the owners of all gas, water, and petroleum pipe lines in any area where blasting will be utilized. A representative of the pipeline shall be allowed to be present to observe preparations and blasting.

Amend Section 5607 Blasting of the IFC, by adding a new Section 5607.17 Ground vibration, which reads:

Section 5607.17 Ground vibration. Regardless of the distance to nearby facilities, buildings or other structures, the blasting operations shall be carried out in such a manner that they will not cause flyrock damage from airblast overpressure or ground vibration. The contractor or operator shall conduct seismic monitoring of all blasts. The seismic recording site shall be located at the nearest structure or building within 500 feet (152,400 mm) of the blast site. The maximum peak particle velocity at any such recording site shall not exceed one inch per second in any of three mutually perpendicular directions

Amend Section 5607 Blasting of the IFC, by adding a new Section 5607.18 Distance from structures, which reads:

Section 5607.18 Distance from structures. There shall be no blasting within 100 feet (30,480 mm) of any structure or building.

Amend Section 5607 Blasting of the IFC, by adding a new Section 5607.19 Blasting records, which reads:

Section 5607.19 Blasting records. The contractor shall retain a record of all blasts for at least 3 years. Upon request, copies of these records shall be made available to the Fire Marshal and to the public for inspection. Such records shall contain the following data: 1. Name of contractor conducting the blast. 2. Location, date, and time of blast. 3. Name, signature, and certificate number of blaster conducting the blast. 4. Identification, direction, and distance, in feet. From the nearest blast hole to the nearest dwelling, public building, school, church, community or institutional building outside the permit area, except those described herein. 5. Weather conditions, including those which may cause possible adverse blasting effects. 6. Type of material blasted. 7. Sketches of the blast pattern including number of holes, burden, spacing, decks, and delay pattern. 8. Diameter and depth of holes. 9. Types of explosives used. 10. Total weight of explosives detonated in an 8-millisecond period. 11. Initiation System. 12. Type and length of stemming. 13. Mats or other protections used. Seismographic and airblast records shall include: 1. Type of instrument, sensitivity, and calibration signal, or certification of annual calibration. 2. Exact location of instrument and the date, time and distance from the blast. 3. Name of person and firm taking the reading. 4. Name of the person and firm analyzing the seismographic record. 5. The vibration and/or airblast level recorded.

Amend Section 5704 Storage of the IFC, by adding a new Section 5704.2.01 Above ground storage, which reads:

Section 5704.2.01 Above ground storage. The storage of Class I and Class II liquids in outside aboveground tanks shall be prohibited within the city limits except and then only upon approval of a site development plan by the City Governing Body.

Amend by omitting Section 5706.4.5 Storage, of the IFC, and amend by adding in lieu thereof a new Section 5706.4.5 Storage, which reads:

5706.4.5 Storage. The storage of Class I, Class II, and Class III liquids in bulk plants shall be prohibited within the city limits except and then only upon approval of a site development plan by the City Governing Body. Storage in bulk plants shall be in accordance with the International Fire Code 2018 Edition, Chapter 57.

C. Presumptions.

For purposes of this Section and the enforcement of the provisions thereof, there shall be a prima facie presumption that the owner of the real property shall be that Person reflected on the most recent evidence of ownership for the real property filed of record with the County wherein such real property is situated. The prima facie presumption of ownership shall be effective upon affidavit of an authorized agent or employee of the County wherein such property is located, attesting that deed or deeds attached thereto are a true and accurate copy of the official record, and are the most recent evidence of ownership for the described real property.

For purposes of this Section and the enforcement of the provisions thereof, there shall be a prima facie presumption that the Person who owns or controls property on which a violation occurs, has caused or permitted such violation.

D. Copies on File.

Not less than three (3) copies of the code hereinbefore incorporated by reference shall be marked or stamped "Official Copy as Adopted by Ordinance No. ___ (This incorporating ordinance)" and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Municipal Judge, and all administrative departments of the city charged with the enforcement of this Section shall be supplied, at the cost of the city, such number of official copies of such code as may be deemed expedient.

SECTION TWO.

The previously existing provisions of Title V, Section 3, of the Code of the City of Lake Quivira, Kansas shall be hereby repealed upon the effective date of this Ordinance.

SECTION THREE.

If any part or parts of this Ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this ordinance. The Governing Body hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts thereof would be declared invalid.

SECTION FOUR.

Neither the adoption of this Ordinance, nor the future repeal or amendment of any section or part or portion thereof, shall in any manner affect the prosecution for violation of this Ordinance or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations there under shall continue in full force and effect.

SECTION FIVE.

This Ordinance shall take effect and be in full force and effect July 1, 2019 from and after publication in an official city newspaper as provided by law.

PASSED by the Governing Body this ____ day of _____, 2019.

APPROVED AND SIGNED by the Mayor this ____ day of _____, 2019.

Ben Kalny, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Ellis Rainey, City Attorney

CITY OF LAKE QUIVIRA, KANSAS

Summary of Ordinance No. ____

On the ____ day of _____ 2019, the Governing Body of the City of Lake Quivira, Kansas passed Ordinance No. ____, to amend Title V, Section 3 of the Code of the City of Lake Quivira, Kansas to adopt the 2018 Edition of the International Fire Code, with additions and omissions.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk or at www.cityoflakequivira.org.

The undersigned hereby certifies as prescribed by KSA 12-3007 that the foregoing Summary of Ordinance No. _____ is legally accurate and sufficient.

Dated: the ____ day of _____ 2019.

CITY ATTORNEY

Ellis Rainey, City Attorney